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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,314	01/31/2001	Timothy S. DeBruine	2037P	2556

7590 09/16/2004
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EXAMINER

STULBERGER, CAS P

ART UNIT PAPER NUMBER

2132

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,314

Applicant(s)

DEBRUINE, TIMOTHY S.

Examiner

Cas Stulberger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-12, 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Non patent literature Firewall Design - Here's a practical guide on how to protect your networks by D. Brent Chapman and Elizabeth D. Zwicky.

3. In regards to claims 1-2, 5-11, and 14-19, Chapman and Zwicky disclose a proxy server. Proxy servers are used in conjunction with a mechanism that restricts communication between the internal and external hosts such as a firewall. If internal and external hosts communication directly there is no need for a proxy server (Chapman and Zwicky: page 3, section proxy services, italicized paragraph). This meets the limitation of “designating a first node that is not firewall protected to act as a proxy server; and in response to determining that a second node is protected by a firewall, instructing the second node to establish a connection with the proxy server.”

4. Chapman and Zwicky also disclose the proxy server can allow other internal hosts to open connections to hosts on the Internet for certain services (Chapman and Zwicky: page 6, section Screened host architecture). This meets the limitations of “sending an open connection request from the second node to the proxy server.”

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5. Chapman and Zwicky disclose that the proxy server doesn't always just forward users' request to the Internet services. The proxy server can control what users do such as refuse to let users export files (Chapman and Zwicky: page 4, section Using proxy services with a dual-homed host; paragraph 3). This meets the limitations of "in response to receiving a request from a third node for a file on the second node, instructing the third node to send the request to the proxy server; and forwarding the request from the proxy server to the second node as a response to the open connection request, thereby allowing other nodes to access files on the second node despite the presence of the firewall."

6. In regards to claims 4, 14, allowing the proxy server to report its IP address and observing what IP address the proxy server is connecting from will always result in the IP addresses matching.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Non patent literature Firewall Design - Here's a practical guide on how to protect your networks by D. Brent Chapman and Elizabeth D. Zwicky in view of U.S. Patent No. 6,052,718 to Gifford.

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9. Chapman and Zwicky however do not disclose “determining the second node is protected by a firewall when the IP addresses mismatch.”
10. Gifford however discloses that if the IP addresses do not match, it means the replica advertisement has traveled through a firewall (Gifford: column 7, lines 15-17).
11. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of using a proxy server and a firewall as disclosed by Chapman and Zwicky with the method of determining if a client is behind a firewall as disclosed by Gifford in order to “redirect a client to a router that is behind a firewall that is specialized for server replicas in the client’s intranet” (Gifford: column 8, lines 56-58).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cas Stulberger whose telephone number is (703) 305-8034. The examiner can normally be reached on Monday - Friday, 9:00A.M. - 5:00P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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